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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/632,051	07/30/2003	Steve Gronemeyer	ST02009CIP	9974												
7590 Jennifer H. Hammond The Eclipse Group 10453 Raintree Lane Northridge, CA 91326		08/06/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">NGUYEN, DUC M</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2618</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>08/06/2007</td><td>PAPER</td></tr></table>		EXAMINER		NGUYEN, DUC M		ART UNIT	PAPER NUMBER	2618		MAIL DATE	DELIVERY MODE	08/06/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/632,051

Applicant(s)

GRONEMEYER ET AL.

Examiner

Duc M. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-33 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This action is in response to applicant's response filed on 3/9/07. Claims 1-33 are now pending in the present application. **This action is made final.**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kerth et al** (US 2002/0132648) in view of **Molnar** (US 2002/0142741).

Regarding claim **1**, **Kerth** discloses a radio frequency (RF) to baseband interface providing power control over an R.F section that processes RF signals and that is coupled to a baseband section that processes baseband signals, the interface comprising:

- a bi-directional message interface for communicating a power control message from the baseband section to the RF section that is associated with the power consumption of the RF section (see Figs. 9-10, paragraphs [0093]-[0097] and [103]-[0105]); and
- a data interface for communicating data from the RF section to the baseband section (see paragraphs [108]-[0111]).

Here, since **Kerth** teaches that “the transceiver **disables** the transmitter circuitry during the receiver mode of operation” and that “the clock signal CKN and CKP are turned off when the transmitter circuitry is transmitting signal” (see [0096, 0097]), one skilled in the art would recognize that the “disable of transmitter circuitry” would associate with power consumption of RF section in the similar way as disclosed by **Molnar** (see Abstract, [0010], Fig. 3). Therefore, the claimed limitations are made obvious by Kerth and Molnar.

Regarding claims **2, 8, 11**, **Kerth** discloses the power control message comprises a power control bit specifying a power state for pre-selected circuitry in the RF section (see [0094], [0095]) regarding logic low or high of PDNB).

Regarding claim **3, 12**, **Kerth** discloses the power state is one of a power-up state (normal mode, see [0095]) and a power-down state (standby mode, see [0094]).

Regarding claim **5**, **Kerth** discloses the pre-selected circuitry is at least one of a frequency divider, oscillator, and amplifier (see [0096] regarding disable transmitter circuitry which would include at least one amplifier or oscillator as claimed).

Regarding claim **6, 9**, **Kerth** discloses the message interface is a serial message interface (see [0094]).

Regarding claim **7, 10**, **Kerth** discloses the message interface comprises a message-in signal line, a message-out signal line and a message clock signal line (see [0094] regarding data-in, data-out and serial clock).

Regarding claims **4, 13**, **Kerth** fails to disclose a plurality of power control bits individually specifying power states for a plurality of pre-selected circuitry in the RF

section. However, **Molnar** discloses a plurality of power control bits (see [0072]) individually specifying power states for a plurality of pre-selected circuitry in the RF section (see [070], [071]). Therefore, one of ordinary skill in the art would recognize the benefit of individually specifying power states for a plurality of pre-selected circuitry in the RF section in **Molnar**, for further incorporating **Molnar's** teaching to **Kerth** to provide a plurality of power control bits as claimed, for further improving the performance by maximizing the amount of power saving.

3. Claims **14-20, 22-33** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kerth** in view of **Molnar** and further in view of **Syrjarinne et al** (US 2003/0107514).

Regarding claim **14**, the claim is rejected for the same reason as set forth in claim 1 above. However, **Kerth** fails to disclose a GPS receiver. However, **Syrjarinne** discloses a GPS receiver (see Abstract). Since incorporate a GPS receiver in a mobile phone is well known in the art (see **Syrjarinne**, [0013]), it would have been obvious to one skilled in the art at the time the invention was made to further incorporate **Syrjarinne's** GPS receiver in **Kerth's** receiver circuit as well. Since **Syrjarinne** and **Kerth** both suggests a low power standby mode (power down) for power saving, it is clear that the power control signal utilizing serial interface in **Kerth** would apply and would work equally well to a GPS receiver. In an alternative way, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the baseband serial interface in **Kerth** to the GPS receiver in **Syrjarinne** as well and would

Art Unit: 2618

work equally well for controlling power consumption of the RF section. Therefore, the claimed limitation regarding a GPS receiver is made obvious by **Kerth** and **Syrjarinne**.

Regarding claim **15**, **Kerth** discloses the message interface comprises a message-in signal line, a message-out signal line and a message clock signal line (see [0094] regarding data-in, data-out and serial clock).

Regarding claim **16**, **Kerth** discloses the power control message comprises a power control bit specifying a power state for pre-selected circuitry in the RF section (see [0094], [0095]) regarding logic low or high of PDNB).

Regarding claim **17**, **Kerth** discloses the power state is one of a power-up state (normal mode, see [0095]) and a power-down state (standby mode, see [0094]).

Regarding claims **18**, **26**, **32**, since **Syrjarinne** discloses a plurality of power control bits individually specifying power states for a plurality of pre-selected circuitry in the RF section (see [0014], [0037], [0039] through [0042]), one of ordinary skill in the art would recognize the benefit of individually specifying power states for a plurality of pre-selected circuitry in the RF section in **Syrjarinne**, for further incorporating **Syrjarinne**'s teaching to provide a plurality of power control bits as claimed, for further improving and maximizing the amount of power saving. Therefore, **Kerth** in view of **Syrjarinne** would disclose the power control message comprises a plurality of power control bits individually specifying power states for a plurality of pre-selected circuitry in the RF section as claimed.

Regarding claim **19**, **Kerth** discloses the pre-selected circuitry is at least one of a frequency divider, oscillator, and amplifier (see [0096] regarding disable transmitter circuitry which would include at least one amplifier or oscillator as claimed).

Regarding claim **20**, **Kerth** discloses the message interface is a serial message interface which includes a data clock signal line and data bit signal line (see Figs. 9-10 and [0094]).

Regarding claims **22-33**, the claims are interpreted and rejected for the same reason as set forth in claims 14-20 above, wherein it is clear that the baseband processing section in Kerth would obviously comprise at least one address, data, and control line for communicating with a digital device (DSP) as claimed (see [0032]).

#### ***Allowable Subject Matter***

4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

Art Unit: 2618

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-60 of copending Application No. 10/369853. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both direct to a GPS receiver with a baseband serial interface for controlling RF power section.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Art Unit: 2618

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen, P.E.

July 28, 2007

A handwritten signature in black ink, appearing to read "Duc M. Nguyen", with a long horizontal stroke extending to the right.